

FILED U.S. DISTRICT COURT 01/06/2023 CENTRAL DISTRICT OF CALIFORNIA BY: GR DEPUTY
LODGED CLERK, U.S. DISTRICT COURT 1/6/2023 CENTRAL DISTRICT OF CALIFORNIA BY: VAV DEPUTY

# United States District Court

CENTRAL

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

BAMDAD, MASOUD

CASE NUMBER: 2:23-mj-00063-DUTY

REG#: 47237-112

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 5, 2022, in the County of Los Angeles, in the Central District of California, defendant Masoud BAMDAD did escape from the custody of the United States Attorney General, in violation of Title 18, United States Code, Section 751. I further state that I am a Deputy United States Marshal, and that this complaint is based on the following facts:

BAMDAD is presently serving a federal sentence on home confinement under the supervision of a residential reentry center located at 8141 Orion Avenue, Van Nuys, California, 91406, (the "Orion RRC"). On or about December 6, 2022, the United States Marshals Service received information from Juan Herrera, Chief Executive Officer RRC, stating that BAMDAD had escaped from home confinement. According to Bureau of Prisons ("BOP") records, BAMDAD is a white male, approximately 6 feet, 1 inch tall, weighing approximately 190 pounds, with grey hair and brown eyes. BAMDAD is 68 years old and a United States citizen.

From my review of court records, I learned that on or about July 29, 2010, in the United States District Court for the Central District of California, Case No. 08-CR-506-GW, BAMDAD was sentenced to a term of 300 months imprisonment, with 6 years of supervision to follow, for distribution and dispensing oxycodone, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(c), and distributing and dispensing oxycodone to individuals under twenty-one years old, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 21 U.S.C. § 859. On April 8, 2008, BAMDAD was transferred from Federal Correctional Institution Big Springs to the Orion RRC to serve the remainder of his sentence. As noted below, on July 20, 2020, BAMDAD was reclassified to "Home Detention Status" and permitted to live at his home while under the supervision of the Orion RRC. BAMDAD is scheduled to be released from RRC supervision on January 1, 2030.

After being "sentenced to a term of imprisonment," a person becomes a "prisoner" and is "committed to the custody of the Bureau of Prisons until the expiration of the term imposed." 18 U.S.C. § 3621(a). Once committed, the BOP has the authority to "designate the place of the prisoner's imprisonment." *Id.* at

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone

/s/Myles Banford

Signature of Complaint

Deputy U.S. Marshal

at Los Angeles, California

City and State

January 6, 2023

Date

Karen L. Stevenson, United States Magistrate Judge  
Name & Title of Judicial Officer

Karen L. Stevenson  
Signature of Judicial Officer

§ 3621(b). Such places “may include a community correctional facility” or “home confinement.” 18 U.S.C. § 3624(c)(1), (2). The statute makes clear that even though a prisoner is living at a halfway house or in home confinement, he is still serving a “term of imprisonment.” *Id.* Thus, absconding from home confinement constitutes an “escape” under 18 U.S.C. § 751. *See, e.g., United States v. Ko*, 739 F.3d 558, 562 (10th Cir. 2014) (holding that defendant was in the BOP’s “custody,” for purposes of federal escape statute, while serving the remainder of his sentence in home confinement); *United States v. Robinson*, 639 F. App’x 157, 157 (3d Cir. 2016) (“Appellant . . . was indicted by a federal grand jury for violating 18 U.S.C. § 751(a) by absconding from his sentence of home confinement.”).

On July 20, 2022, BOP reclassified BAMDAD from being a full time resident of the Orion RRC to “Home Detention Status,” and he was allowed to live at his home located at 17806 Ridgeway Road, Granada Hills, California 91344. He acknowledged and signed “Conditions of Home Detention” in which he acknowledged that his status was a “privilege which may be revoked by the Residential Re-Entry Manager.” (See Exhibit A at 1.) He further acknowledged that “any violation of Home Detention Conditions, or conduct or activity which reflects a disregard for the rights of others, shall be sufficient cause to revoke my Home Detention and/or terminate my Residential Re-entry Center (RRC) program participation.” (*Id.*) In addition, he agreed to “return to the RRC/Probation at least twice [a] week for routine progress reviews and program participation, and more often if instructed to do so” and to “abide by special instructions given to [him] by the RRC/Probation.” (*Id.* ¶¶ 5, 14.) Finally and relevant here, BAMDAD attested to the following: “I fully understand that willful failure to report as required . . . could constitute an escape from federal custody.” (*Id.*)

On December 5, 2022, RRC staff reported that BAMDAD was ordered to return to the Orion RRC by 3:00 p.m., but BAMDAD failed to do so. RRC staff called BAMDAD, and he advised the RRC that he would not be returning to the facility and told staff to obtain a “warrant” requiring him to report to the RRC. BAMDAD’s last known whereabouts is his home, located at 17806 Ridgeway Road, Granada Hills, California 91344. To date, he has not reported to the RRC as required and thus has escaped from federal custody.

# Exhibit A

JUL 08

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Resident Bamdad, MasoudRegister Number 47237-112

I understand that my placement on Home Detention status is a privilege which may be revoked by the Residential Re-Entry Manager (RRM). I understand that any violation of Home Detention Conditions, or conduct or activity which reflects a disregard for the rights of others, shall be sufficient cause to revoke my Home Detention and/or terminate my Residential Re-Entry Center (RRC) program participation

I understand and agree to abide by the following conditions during my period of Home Detention:

1. M.B. I will reside at my approved residence at 17806 Ridgeway Road Granada Hills, CA 91344
2. M.B. I will conduct myself in a lawful manner.
3. M.B. I will accept phone calls from RRC/Probation Staff, verifying my presence at my home and at my job site. I agree to maintain a telephone at my place of residence without "call forwarding," or "three-way calling" for this period and will, when requested, provide copies of my telephone bill to the Center/Probation staff. I also agree that if my confinement is to be electronically monitored, I will wear any electronic monitoring device required, follow procedures specified, and comply with any telephone and computer access restrictions as they apply to the monitoring device requirements.
4. M.B. I will accept the visits of RRC/Probation personnel to my job site and home.
5. M.B. I will return to the RRC/Probation at least TWICE week for routine progress reviews and program participation, and more often if instructed to do so.
6. M.B. I understand I must continue mental health/psychiatric treatment, substance abuse treatment, sex offender treatment while on Home Detention.
7. M.B. I will not own or possess any deadly weapon or knowingly be in the company of a person possessing the same.
8. M.B. I will remain steadily employed at N/A and will not change employment without prior approval of RRC/Probation staff.
9. M.B. I will not knowingly associate with persons having a criminal record, nor frequent places where illegal activities are conducted.
10. M.B. I will not drink alcoholic beverages of any kind; nor will I enter any establishments, such as bars or liquor stores, where the sale and/or consumption of alcoholic beverages on the premises is the primary business of the establishment.
11. M.B. Except as medically authorized, I will not use or possess narcotics, or other controlled substances, nor be in the presence of persons possessing the same.
12. M.B. I agree that during the Home Detention period, I will remain at my place of residence, except for employment, unless I am given specific permission to do otherwise.
13. M.B. I will not own or drive a motor vehicle without proper authorization.
14. M.B. I will abide by special instructions given to me by the RRC/Probation, e.g., electronic monitoring program participation.
15. M.B. I will submit to urinalysis or alcohol testing as requested by the RRC/Probation. I understand that ingestion of poppy seed food products may result in positive test results for unauthorized drug use and is therefore prohibited.
16. M.B. I agree to pay subsistence for the cost of my participation in Home Detention.
17. M.B. I understand that I am personally responsible for all costs of my housing, meals, and general subsistence, while I am on Home Detention.

I fully understand that willful failure to report as required, unauthorized change of residence, employment, or failure to otherwise inform Center staff of my whereabouts, could constitute an escape from federal custody.

Resident's Signature M.B.Date 7/20/2020

Approved (RRC Director)

Approved (RRM) [Signature]

Record Copy - To RRM - Residential Re-Entry Manager; Copy - To RRC - Residential Re-Entry Center; Copy - To USPO - U.S. Probation Officer

**BEHAVIORAL SYSTEMS SOUTH WEST**  
**ORION Residential Re-Entry Center**  
**8141 Orion Ave, Van Nuys CA**  
**HOME DETENTION PROGRAM CONTRACT**

Placement on Home Detention requires an attention to detail. It is necessary that you abide by all the conditions of Home Detention. This will include a contact schedule to which you must **adhere**. Adherence is imperative for it establishes accountability. Accountability is the foundation of the program and will be paramount at all times. Failure to remain accountable could result in removal from Home Detention, or termination from the program. These guidelines will assist you in maintaining your accountability at all times. The contact schedule will include, but is not limited to, the following.

1. RRC staff will visit your Home Detention location at least weekly.
2. RRC staff will visit your employment site at least weekly.
3. You will be required to return to the RRC at least twice weekly.
4. RRC staff will contact you, by telephone, at the employment site daily.
5. RRC staff will contact you, by telephone, at your Home Detention location daily. Random calls are made daily during curfew hours. 2100-0700 hours.
6. Your movement in the community will be limited for at least for the first two weeks you are on Home Detention. Your movement is limited to work and back and necessary locations as approved by the Case Worker, Assistant Director, and or Program Director. This is to allow you to adjust to being on Home Detention and the responsibilities granted at the end of the two weeks. The decision to do this will be based in part on your adherence to the Home Confinement contract.

I understand that my check-in days are **TUESDAY** by **1800** and **THURSDAY** by **1800** hours. I agree to return to the center at those times.

I will also abide by all the Home Detention Regulations as stipulated by the Federal Bureau of Prisons that have been reviewed by my caseworker and me.

Family orientation took place on <sup>Date</sup> 7/9/2020 Home Facility/by Phone, Family agree/disagree to RRC rules and regulation of Home Detention. Circle one Circle one

I understand that placement on Home Detention status is a privilege that may be revoked by the RRC and the CCM. I understand that any violation of Home Detention Conditions, conduct, or activity that reflects a disregard for the rights of others shall be sufficient cause to revoke my Home Detention status, or terminate my RRC program participation.

**BAMDAD, MASOUD**

  
 \_\_\_\_\_  
**Resident Signature**

47237-112

**Reg. #**

Date 7/20/2020

  
 \_\_\_\_\_  
**Staff Signature**

Date 7/20/2020